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Attorney for Defendants
Municipality of Anchorage
APD Badge #1503, Shirley Winborg
APD Badge # 1075, Gil Davis

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

DANIEL DENARDO)
)
Plaintiff,)
)
vs.)
)
MUNICIPALITY OF ANCHORAGE,)
APD Badge #1503, SHIRLEY WINBORG, and)
APD Badge #1075, GIL DAVIS,)
)
Defendants.)
)

U. S. District Court Case No. A04-0269 CI (RRB)

**PROPOSED ORDER GRANTING SUMMARY JUDGMENT
AND DISMISSING PLAINTIFF'S CLAIMS**

The Municipality of Anchorage, APD Officer Winborg, and APD Officer Davis, filed a motion for summary judgment seeking dismissal of plaintiff's claims on the basis that defendants are shielded from such claims by virtue of the doctrine of qualified immunity. Defendants opposed the motion, and the Court has considered the motion, the opposition and the reply, and otherwise being fully advised in the premises, concludes

that plaintiff has failed to allege or prove a violation of a clearly established right and has further failed to show that defendants had any reason to believe their conduct was unlawful given the totality of the circumstances. On the basis of the foregoing, IT IS HEREBY

ORDERED that defendants' motion for summary judgment is GRANTED and plaintiff's claims are dismissed, with prejudice.

DATED this _____ day of February, 2006.

By: _____
Honorable Ralph R. Beistline
United States District Court Judge

The undersigned hereby certifies that on Feb. 15, 2006 a true and correct copy of the Order Granting Summary Judgment and Dismissing Plaintiff's Claims was served on:

- Daniel DeNardo
P.O. Box 100682
Anchorage, Alaska 99510

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing
s/ Elaine Loew